

## REMARKS

### Status of the Claims

Claims 1 and 3-13 are pending. Claims 1-13 are rejected. Claim 1 is amended. Claim 2 was canceled previously and claim 5 is canceled herein. No new matter has been added.

### Amendments to the claims

Claim 1 is amended to overcome a rejection under 35 U.S.C. 102(b). Amended claim 1 incorporates the limitations of claim 5 to recite that the device comprises ejector springs that surround the outer surface of each of the ejector pins. The ejector springs are located and operate between the upper surface of the mold plate and the lower surface of one of the ejector thumb pads. Claim 5 is canceled.

### Allowable subject matter

Claims 5-13 are allowed. Claim 5 depends from independent claim 1. Claim 1 is amended, as discussed *supra*, to incorporate the limitations of claim 5 to recite the structural limitation of ejector springs surrounding the ejector pins.

Intervening claims 3 and 4 depend from amended independent claim 1 and further limit the attachments of the ejector pins and of the cryoarray pins of the cryoarray device. Therefore, in view of this amendment, Applicants submit that amended independent claim 1 and dependent claims 3-4 are allowable. Claim 6 is an independent claim and claims 7-13 depend therefrom and all are allowable as they stand.

Rejection under 35 U.S.C. §102(b)

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by *Fleming et al.* (U.S. 4,654,989). Applicants respectfully traverse this rejection.

The Examiner maintains, as in previous paper No. 6, that *Fleming et al.* teach a cryoarray device comprising a mold plate, mold alignment pins, an ejector plate, ejector pins and cryoarray pins as recited in claims 1 and 3 (col. 2-3; Fig. 1-5). Again the Examiner maintains that cryoarray device, mold alignment pins and cryoarray pins are not given patentable weight because they do not have any structural limitations associated with them.

Applicants' invention, as recited in amended claim 1, is as discussed *supra*. The Examiner stated that claim 5, which depends from claim 1, is allowable subject matter. As stated *supra*, Applicants have incorporated the limitation of ejector springs recited in claim 5 into claim 1 thereby rendering amended claim 1 novel over *Fleming et al.* Claim 3 depends from claim 1, as discussed *supra*, and further limits the attachment of the cryoarray pins recited in amended claim 1. Therefore, if incorporating the structural element of ejector springs into the cryoarray device recited in claim 1 confers novelty over *Fleming et al.*, then further limiting a structural element already recited in claim 1, i.e., the cryoarray pins, cannot anticipate the invention. Accordingly, in view of the claim amendment and arguments presented herein, Applicants request that the rejection of claims 1 and 3 under 35 U.S.C. §102(b) be withdrawn.

Rejection under 35 U.S.C. §103(a)

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Fleming et al.* (U.S. 4,654,989), as applied to

claims 1-3 above, and further in view of **Vollom** (U.S. 6,298,587). Applicants respectfully traverse this rejection.

The Examiner maintains, as in previous paper No. 6, the teachings of **Fleming et al.**, as presented *supra*, however, **Fleming et al.** do not teach the device as comprising ejector pins that are capable of lowering and of raising the ejector plate over the cryoarray pins. The Examiner maintains that **Vollmer** teaches lowering and raising the ejector plate over the cryoarray pins (col. 1-2) and specifically incorporates **Fleming et al.** (col. 1). Additionally, the Examiner maintains **Vollmer** teaches that a moving ejector plate is advantageous for allowing the pin screen to be reset while in a vertical position. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the device of **Fleming et al.** to have a moveable ejector plate, for the benefit of allowing the pin screen to be reset while in a vertical position.


Claim 4 depends from amended claim 1 and further limits how the ejector pins are attached in the cryoarray device. Applicants reiterate that **Fleming et al.** do not anticipate the instant invention, as recited in amended claim 1 and dependent claim 3 because **Fleming et al.** do not teach ejector springs.

Combining *Vollmer* with *Fleming et al.* does not correct this deficiency and, therefore, the combination thereof cannot render Applicants invention, as recited in claims 1 and 3-4, obvious. Accordingly, in view of the amendments and arguments presented, Applicants respectfully request that the rejection of claim 4 under 37 C.F.R. 103(a) be withdrawn.

Applicants submit that claims 1, 3-4 and 6-13 are in condition for allowance. Accordingly, Applicants request that claims 1, 3-4 and 6-13 be passed to issuance. This is intended to be a complete response to the Final Office Action mailed January 8, 2004. If any issues remain, please telephone the undersigned attorney for immediate resolution. Applicants believe no fees are due, however, should Applicants be in error, please debit any fees due from Deposit Account No. 07-1185.

Respectfully submitted,

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